

PREVENTION OF SMUGGLING

Convention signed at Washington December 23, 1925

Ratified by Mexico January 29, 1926

Senate advice and consent to ratification March 3, 1926

Ratified by the President of the United States March 11, 1926

Ratifications exchanged at Washington March 18, 1926

Proclaimed by the President of the United States March 18, 1926

Entered into force March 28, 1926

Terminated March 28, 1927¹

44 Stat. 2358; Treaty Series 732

The Government of the United States of America and the Government of the United Mexican States being desirous of cooperating to prevent the smuggling into their respective territories of merchandise, narcotics and other commodities the importation of which is prohibited by the laws of either country, and of aliens, as well as to promote human health and to protect animal and plant life and to conserve and develop the marine life resources off certain of their coasts, have resolved for these purposes to conclude a Convention, and to that end have named as their Plenipotentiaries:

The President of the United States of America,

Frank B. Kellogg, Secretary of State of the United States of America, and

The President of the United Mexican States,

Don Manuel C. Téllez, Ambassador Extraordinary and Plenipotentiary of Mexico at Washington.

Who, having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed upon the following Articles:

SECTION I

SMUGGLING

ARTICLE I

The High Contracting Parties agree that all shipments of merchandise crossing the International Boundary line between the United States and Mexico, originating in and consigned from either of the two countries, shall be covered by a shipper's export declaration, and a copy of same, verified by the appropriate officials of the country of origin, shall be furnished to the

¹ Pursuant to notice of termination given by the United States Mar. 21, 1927.

customs officials of the country of destination. It is agreed also that the appropriate officials of either country shall give such information as the appropriate officials of the other country may request concerning the transportation of cargos or the shipment of merchandise crossing the International Boundary line.

ARTICLE II

The High Contracting Parties agree that clearance of shipments of merchandise by water, air or land from any of the ports of either country to a port of entrance of the other country shall be denied if such shipment comprises articles the introduction of which is prohibited or restricted for whatever cause in the country to which such shipment is destined, provided, however, that such clearance shall not be denied on shipments of restricted merchandise when there has been complete compliance with the conditions of the laws of both countries.

It shall also be deemed to be the obligation of both of the High Contracting Parties to prevent by every possible means, in accordance with the laws of each particular country, the clearance of any vessel or other vehicle laden with merchandise destined to any port or place when there shall be reasonable cause to believe that such merchandise or any part thereof, whatever may be its ostensible destination, is intended to be illegally introduced into the territory of the other Party.

ARTICLE III

The High Contracting Parties reciprocally agree to exchange promptly all available information concerning the names and activities of all persons known or suspected to be engaged in violations of the laws of the United States or Mexico with respect to smuggling or the introduction of prohibited or restricted articles.

ARTICLE IV

The High Contracting Parties agree that no merchandise or property of any character shall be authorized to be cleared or despatched out of either country, across the International Boundary line, except through ports or places duly authorized to clear such merchandise or property, and to or through duly authorized ports or places on the opposite side of said Boundary line; provided, that merchandise or property may be transported across said boundary line at any convenient place under special circumstances and after permits by both countries have been issued therefor.

ARTICLE V

The High Contracting Parties agree that they will exchange all available information concerning the existence and extent of contagious and infectious diseases of persons, animals, birds or plants, and the ravages of insect pests and the measures being taken to prevent their spread. The parties will also

exchange information relative to the study and use of the most effective scientific and administrative means for the suppression and eradication of such diseases and insect pests.

SECTION II

MIGRATION OF PERSONS

ARTICLE VI

Each of the High Contracting Parties agrees to employ all reasonable measures to prevent the departure of persons destined to territory of the other, except at or through regular ports or places of entry or departure established by the High Contracting Parties.

ARTICLE VII

In all cases in which a national of one of the High Contracting Parties is to be deported or expelled from the territory of the other, and in the cases in which a national of either country subject to deportation is allowed voluntarily to depart for the country of his nationality in lieu of deportation, due notice will be given the proper Consular representative of the country of such national.

ARTICLE VIII

In all cases in which either of the High Contracting Parties may suspend or waive its regulations relating to the contracting of laborers in the territory of the other, or in cases where either of the High Contracting Parties may grant special permits for contract labor, the country granting such permits or so suspending or waiving its regulations will give due notice thereof to the other.

ARTICLE IX

The High Contracting Parties mutually agree that they will exchange information regarding persons proceeding to the country of the other and regarding activities of any persons on either side of the border, when there is reasonable ground to believe that such persons are engaged in unlawful migration activities or in conspiracies against the other Government or its institutions, when not incompatible with the public interest.

SECTION III

FISHERIES

PREAMBLE

For the three following purposes, namely:

(1) To facilitate the labors of the corresponding authorities in conserving and developing the marine life resources in the ocean waters off certain coasts of each nation;

- (2) To prevent smuggling in all kinds of marine products;
- (3) And to consider and to make recommendations with respect to the collection of the revenue from fish and other marine products.

The Government of the United States of America and Government of the United Mexican States agree as follows:

ARTICLE X

The High Contracting Parties agree that the waters dealt with under this Convention shall be the waters off the Pacific Coasts of California, United States of America, and Lower California, Mexico, including both territorial and extra-territorial waters, the latter being the westward extension of the former.

ARTICLE XI

The High Contracting Parties agree to establish within two months after the exchange of ratifications of this Convention a Commission, to be known as the International Fisheries Commission—United States and Mexico, that shall consist of four members, two to be appointed by each Party. This Commission shall continue to exist so long as this Convention shall remain in force. Each Party shall pay the salaries and expenses of its own members and the joint expenses incurred by the Commission shall be paid by the two High Contracting Parties in equal moieties.

The Commission is hereby empowered to organize, to appoint its staff, and to fulfill the requirements of this section.

The Commission shall make a thorough study of whatever subjects are necessary for carrying out the purposes of this Section and shall submit recommendations unanimously approved by the Commission to each Government for consideration and approval covering whatever the Commission deems necessary for the accomplishment of the purposes of this section. This study shall be undertaken within two months after appointment of the Commission and the recommendations shall be submitted as soon as practicable.

ARTICLE XII

The High Contracting Parties agree that if, after its study of conditions, the International Fisheries Commission recommends the adoption of regulations regarding the subjects set forth in the preamble and such regulations are approved by each Government, they shall become binding upon the authorities of both countries and shall be enforced by them.

The High Contracting Parties agree that the authorities of their respective ports shall refuse to permit any and all fish or marine products to enter the ports if brought into port from the waters specified in Article X and if the port authorities have reasonable grounds to believe that the master has ob-

tained his cargo in violation of the laws of either of the High Contracting Parties, the regulations which may be adopted, or the provisions of this Convention. Fines may be imposed in such cases or such cargoes thus illegally obtained may be declared forfeited and sold at auction to the highest bidder. Any proceeds therefrom shall be regarded as belonging to the High Contracting Parties in equal moieties and to the extent that may be determined by the High Contracting Parties to be necessary shall be made available for use in payment of the salaries and expenses of the Commission as provided for in Article XI of this Convention.

The International Fisheries Commission will inform and will keep informed all port authorities of both nations concerning any and all regulations which may have been established.

SECTION IV

GENERAL PROVISIONS

ARTICLE XIII

It is agreed that when compatible with the public interest the officers and employees of the respective Governments of the United States and Mexico shall, upon request, be directed to furnish such available records and files, or certified copies thereof, as may be considered essential to the trial of civil or criminal cases. The costs of transcripts of records, depositions, certificates and letters rogatory in civil or criminal cases shall be paid by the nation requesting them. Letters rogatory and commissions shall be executed with all possible despatch and copies of official records or documents shall be certified promptly by the appropriate officials in accordance with the provisions of the laws of the respective countries.

This article shall apply only to cases involving matters covered by this treaty.

ARTICLE XIV

The High Contracting Parties agree to enact and enforce such legislation as may be necessary to make effective the provisions of this Convention with appropriate penalties for the violation thereof.

ARTICLE XV

This Convention shall be ratified, and the ratifications shall be exchanged at the City of Washington as soon as possible.

The Convention shall come into effect at the expiration of ten days from the date of its publication in conformity with the laws of the High Contracting Parties, and it shall remain in force for one year. If upon the expiration of one year after the Convention shall have been in force no notice is given by either party of a desire to terminate the same, it shall continue in force

until thirty days after either party shall have given notice to the other of a desire to terminate the Convention.

In witness whereof the respective plenipotentiaries have signed the present Convention both in the English and Spanish languages, and have thereunto affixed their seals.

Done in duplicate at the City of Washington this twenty-third day of December, one thousand nine hundred and twenty-five.

FRANK B. KELLOGG [SEAL]

MANUEL C. TÉLLEZ [SEAL]